



## ***Raised Bill 830: An Act Prohibiting the Use of Certain Outdoor Wood-Burning Furnaces***

The Hearth, Patio and Barbecue Association urge members of the Environment Committee to take a reasonable approach in updating Connecticut's statute on Outdoor Wood Furnaces. We urge the committee to strike the bill in its entirety and insert in lieu thereof the following three changes to the current statute (Section 22a-174k).

### **Use the public health code to more effectively regulate and mitigate cases of excessive smoke.**

Local health departments have the authority to investigate and mitigate smoke complaints and may issue "... orders for abatement of wood smoke when they find it to be a public nuisance."<sup>1</sup> A 2009 test case in the Department of Public Health specifically upheld this use of local authority, and we believe this is the appropriate way to handle such cases. Complaints about excessive smoke can be investigated and mitigated more easily and quickly at the local level. HPBA supports an amendment to the statute to make this point clearer for all concerned.

### **Establish limits on particulate matter emissions.**

HPBA would propose that no new OWF can be sited anywhere in Connecticut starting October 1, 2011, unless it is one of the newest and cleanest models certified as meeting the EPA "Phase 2" voluntary guidelines for particulate matter emissions. The Phase 2 certified models represent the latest in new technology. They have very low emission rates (.32 lbs. of PM for every 1 mil. Btu heat output) and can easily be sited under the current setback requirements. Testimony will be submitted to the committee by *Tech Environmental* that shows smoke effectively disperses in less distance than the statute's required 200 foot setback.

### **Provide for better dispersion of smoke.**

Much of the criticism of OWFs is based on smoke complaints. Please know that upwards of 75 percent of all complaints that are lodged with DEP are in regard to just a handful of furnaces. Nonetheless, HPBA believes the statute governing chimney height of OWFs should be changed to require the stack height of all new installations to be at least two feet higher than the roof peak of any neighboring residence. HPBA supports this additional step to ensure that neighbors are not adversely affected by smoke.

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<sup>1</sup> Statement of Ellen Blaschinski, branch chief, regulatory services branch, Department of Public Health, to the Public Health Committee, HB 6616, *An Act Establishing Wood Smoke to be a Public Nuisance*, March 6, 2009.

HPBA believes these three proposals are the best way to address issues of concern that have come before the committee.

**RB 830 will cause a loss of jobs and unnecessarily take property from consumers.**

Finally, the economy has already resulted in lost sales and income for Connecticut-based OWF dealers. Local jobs will be lost if SB 830 is enacted. This is not the time to further penalize an industry sector that provides a natural source of heat to families and businesses that is not dependent on foreign oil or imported natural gas.

We are also concerned about the fact that if this bill is enacted in its current form, consumers who have invested thousands of dollars in their OWF will be left with a worthless product they cannot use. This is a taking of property that simply has no justification.

HPBA believes the State of Connecticut *can* permit OWF use and achieve our air quality management objectives at the same time. For the forgoing reasons, we would urge you to reject the approach embodied in RB 830 and, instead, to enact the package of changes outlined here.

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Hearth, Patio & Barbecue Association (HPBA) is an international not-for-profit trade association first established in 1980 to represent and promote the interests of the hearth products industry in North America. In 2002, the Hearth Products Association (HPA) merged with the Barbecue Industry Association (BIA) to form HPBA. The association includes manufacturers, retailers, distributors, manufacturers' representatives, service and installation firms, and other companies and individuals - all having business interests in and related to the hearth, patio, and barbecue products industries. For more information on the activities of the HPBA, please go to [www.hpba.org](http://www.hpba.org).

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